

State Implementation Plan Revision

Including Washington State Department of Natural Resource's 2022 Smoke Management Plan

By

Laurie Hulse-Moyer

For the

Air Quality Program

Washington State Department of Ecology
Olympia, Washington

May 2022, Public Information Draft

Contact Information

Air Quality Program

P.O. Box 47600

Olympia, WA 98504-7600

Phone: 360-407-6800

Website: www.ecology.wa.gov/contact

ADA Accessibility

The Department of Ecology is committed to providing people with disabilities access to information and services by meeting or exceeding the requirements of the Americans with Disabilities Act (ADA), Section 504 and 508 of the Rehabilitation Act, and Washington State Policy #188.

To request an ADA accommodation, contact Ecology by phone at 360-407-6783 or email at laurie.hulse-moyer@ecy.wa.gov. For Washington Relay Service or TTY call 711 or 877-833-6341. Visit [Ecology's website](http://www.ecology.wa.gov) for more information.

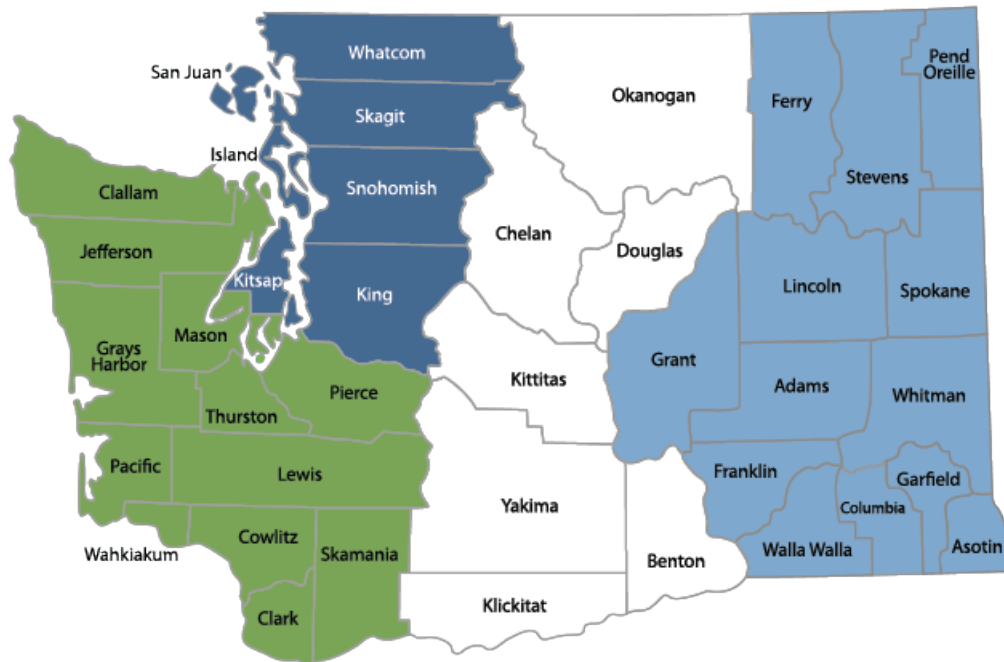
Accesibilidad ADA

El Departamento de Ecología se compromete a proporcionar a las personas con discapacidades acceso a información y servicios al cumplir o exceder los requisitos de la Ley para Estadounidenses con Discapacidades (ADA), Secciones 504 y 508 del Acto de Rehabilitación, y la Política del Estado de Washington #188.

Para solicitar acomodación ADA, comuníquese con Ecología por teléfono al 360-407-6783 o por correo electrónico [laurie.hulse-moyer@ecy.wa.gov]. Para Servicio de Retransmisión de Washington o TTY llame al 711 o 877-833-6341. Visite [el sitio web de Ecología](http://www.ecology.wa.gov) (en inglés) para más información.

Department of Ecology's Regional Offices

Map of Counties Served



Southwest Region
360-407-6300

Northwest Region
425-649-7000

Central Region
509-575-2490

Eastern Region
509-329-3400

Region	Counties served	Mailing Address	Phone
Southwest	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	PO Box 47775 Olympia, WA 98504	360-407-6300
Northwest	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	15700 Dayton Avenue N Shoreline, WA 98133	425-649-7000
Central	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 W Alder St Union Gap, WA 98903	509-575-2490
Eastern	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 N Monroe Spokane, WA 99205	509-329-3400
Headquarters	Across Washington	PO Box 46700 Olympia, WA 98504	360-407-6000

Washington State Implementation Plan Revision

Including Washington's Department of Natural Resources

2022 Smoke Management Plan

Air Quality Program
Washington State Department of Ecology
Headquarters
Olympia, WA

May, 2022 | Public Review Draft



DEPARTMENT OF
ECOLOGY
State of Washington

Table of Contents

State Implementation Plan Revision
Contact Information	i
ADA Accessibility.....	i
Accesibilidad ADA.....	i
Department of Ecology’s Regional Offices.....	ii
Map of Counties Served.....	ii
Washington State Implementation Plan Revision.....	iii
Table of Contents	iv
Tables	vi
Tables	vi
Acknowledgements	vii
Acronyms and Abbreviations	viii
Executive Summary	1
Introduction	2
DNR SIP Revision Documents.....	4
About the 2022 SMP	4
Differences Between the 1998 and 2022 SMPs.....	9
Demonstration of Noninterference	11
Ecology Responsibilities under the SMP	17
Washington’s Former Air Quality Advisory.....	17
Ecology’s Request.....	19
Public Involvement.....	20
Appendix Table of Contents.....	21
Appendix A. RCW 70.94 to 70A.15 Crosswalk.....	22

Appendix B. Department of Natural Resources Submittal to Ecology.....	30
B1: DNR SIP Submittal Cover Letter to Ecology	31
B2: 2022 Smoke Management Plan.....	32
B3: 2022 Smoke Management Plan Demonstration	33
Appendix C: Criteria for Determining the Completeness of Plan Submissions	34
Appendix D: Ecology Public Notice Documents	44
Appendix E. Ecology SIP Adoption Order	46

Tables

Tables

Table 1. Sections of the 2022 SMP 4

Table 2. Outline for DNR Demonstration..... 12

Acknowledgements

The author of this report would like to thank the following people for their contribution and assistance on this project:

Department of Ecology:

- Anya Caudill, Environmental Planner
- David Grant, Smoke Planner
- Eman Jabali, Administrative Assistant
- Margaret Plummer, Administrative Assistant
- Colleen Stinson, Environmental Planner

Department of Natural Resources:

- Jonathan Guzzo, Environmental Planner
- Vaughn Cork, Fuels Analyst

The following managers provided review and oversight:

- Martha Hankins, Ecology, Policy and Planning Section Manager
- Karen Zirkle, Department of Natural Resources, Wildland Fire Management Division, Assistant Division Manager for Logistics
- Jason Alberich, Ecology, Rules and Planning Unit Supervisor

Acronyms and Abbreviations

AAR.....	After Action Review
AIRPACT-4	Air Indicator Report for Public Awareness and Community Tracking
AQI.....	Air Quality Index
BLM	Bureau of Land Management
CAA.....	Federal Clean Air Act
CO.....	Carbon Monoxide
DNR	Washington State Department of Natural Resources
DV	Design Value
Ecology	Washington State Department of Ecology
EER	Exceptional Events Rule
EPA	U.S. Environmental Protection Agency
FLM.....	Federal Land Manager
FEM	Federal Equivalent Method
FRM	Federal Reference Method
GACC	Geographic Area Coordinating Centers
IMPROVE	Interagency Monitoring of Protected Visual Environments
LCAA	Local Clean Air Agency
MID.....	Most Impaired Days
NAAQS.....	National Ambient Air Quality Standard
NATTS.....	National Air Toxics Trend Station
NEPA.....	National Environmental Policy Act
NFDRS.....	National Fire Danger Rating System
NICC.....	National Interagency Coordinating Center
NIFC	National Interagency Fire Center
NO	Nitrogen Monoxide
NO ₂	Nitrogen Dioxide
NO _x	Nitrogen Oxides
NPS	National Park Service
NWS.....	National Weather Service
O ₃	Ozone
Pb	Lead
PL.....	Preparedness Level
PM _{2.5}	Fine Particles or Particulate Matter; with an aerodynamic diameter of 2.5 microns or less
PM ₁₀	Coarse Particle Matter or Particulate Matter; with an aerodynamic diameter of 10 microns or less
RAVI.....	Reasonably Attributable Visibility Impairment
RAWS.....	Remote Automated Weather Stations
RCW.....	Revised Code of Washington
RH	Regional Haze
RHR.....	Regional Haze Rule
SIP.....	State Implementation Plan

SMPSmoke Management Plan
SO₂.....Sulfur Dioxide
UGAUrban Growth Area
USFSU.S. Forest Service
USFWS.....U.S. Fish and Wildlife Service
WAC.....Washington Administrative Code
WAQA.....Washington Air Quality Advisory
WCAAWashington Clean Air Act
WRAPWestern Regional Air Partnership
WUIWildland Urban Interface

Executive Summary

The Washington State Departments of Ecology (Ecology) and Natural Resources (DNR) propose a revision to the Washington State Implementation Plan (SIP). The SIP provides federally-required oversight of state and local rules, plans, and programs that control or impact:

- Six common air pollutants: particulate matter, ozone, sulfur and nitrogen oxides, lead, and carbon monoxide.
- Attainment of the National Ambient Air Quality Standards (NAAQS).
- Visibility protection and regional haze in national parks and wilderness areas.

The Washington State Legislature directed the DNR to update the Smoke Management Plan (SMP) following significant wildfire impacts to the state. DNR completed updates to the statewide SMP for silvicultural (forestland) burning in 2022.

Smoke emissions from prescribed silvicultural burning used as a forest management tool can impair air quality and contribute to particulate matter and ozone levels, which can adversely affect health and visibility. Thus, DNR submitted the updated SMP to Ecology to review, adopt, and transmit to the United States Environmental Protection Agency (EPA) for federal review, approval, and inclusion in the SIP.

With this proposal, we seek public review and comments on whether or not the 2022 SMP should replace the 1998 version in the SIP. Once we review and respond to comments, Ecology's Director, as the Governor's Designee, will determine whether to submit this revision to EPA, or request DNR consider additional changes. EPA provides the final SIP approval. Once approved by EPA, citizens and EPA may enforce the updated SMP in federal court.

DNR provided an analysis that demonstrates the following changes will not interfere with the state's air quality goals:

1. Aligning assessment threshold in Large Burn Approval Criterion #1 with state law.
2. Removing the prohibition against summer weekend burning.
3. Notifying burners of permission to ignite their units by 4:30 PM the day prior to ignition.
4. Allowing burning on forestlands under DNR jurisdiction in Urban Growth Areas (UGA), with additional precautions.

DNR further strengthened the SMP by directing burn experts to manage impacts and take preventative or mitigating actions at a lower level than the NAAQS exceedance levels for fine particulate, 2.5 microns or less (PM_{2.5}) of 35 µg/m³ averaged over 24 hours.

DNR will use a PM_{2.5} level of 20.5 µg/m³ as an action level to evaluate burns for potential ignition approval and as they monitor how these burns progress. This will provide a margin for error to prevent exceedances of the NAAQS. DNR has made it their goal to stay below this PM_{2.5} concentration level when making burn decisions, and to take action when the data show it is likely that concentrations will exceed this level, when managing smoke around the state.

Introduction

The purpose for this revision is to replace the 1998 SMP in the Washington State Implementation Plan (SIP) with the updated 2022 Smoke Management Plan (SMP). Washington State Department of Natural Resources (DNR) submitted the updated SMP and supporting documents to Ecology in May 2022 for consideration and requested Ecology submit the documents to EPA. After soliciting public comments, Ecology will decide whether to recommend a SIP revision to EPA.

In Washington State, several agencies share outdoor burning oversight and authority. Specific jurisdiction depends on the type of burning conducted. DNR has authority and responsibility to regulate silvicultural burning. Ecology and [local clean air agency partners](#)¹ (local clean air agencies (LCAAs), and tribes) oversee most other types of [outdoor burning](#)²: land clearing, residential yard waste, recreational, some fire training, and [commercial agricultural](#)³.

DNR plans to increase the pace and scale of prescribed burning to reduce fuel loads, improve forest health and prevent catastrophic wildfire with minimal air quality impacts from smoke. DNR, state agencies, federal land managers, and private burners all perform silvicultural burning under the SMP.

Ecology's Director is the Governor's representative for SIP matters. Silvicultural burning in Washington State is under the jurisdiction of DNR. (Washington is one of the few states in the nation with these responsibilities divided between two agencies.)

All SIP revisions must meet federal regulations at 40 CFR. 51.102, Appendix V, Criteria for Determining the Completeness of Plan Submissions. When the state changes regulations or plans that are part of the SIP, the state must provide evidence to EPA on how the changes continue to meet federal Clean Air Act (CAA) Section 110 (I) requirements (Demonstration of Noninterference or Demonstration). The Demonstration shows how the changes proposed will not interfere with attainment of the National Ambient Air Quality Standards (NAAQS) or visibility protection and regional haze in national parks and wilderness areas. Appendix C of this document lays out the requirements and notes how the state has fulfilled them.

Legislation in 2019 brought changes to the ability to burn in the state's Urban Growth Areas (UGAs). Burning is only allowed for silvicultural burning inside areas where DNR has fire suppression jurisdiction. See the section Recent Legislation Regarding Silvicultural Burning in the Demonstration and Urban Growth Area (UGA) Burns and APPENDIX 1: Burn Submittal and Approval Procedures for Burns 100 Tons or Greater and Any Burn in an Urban Growth Area, in the 2022 SMP.

DNR requires permits for all silvicultural burning inside UGAs. DNR has included some additional protections and mitigations, approved and promulgated by the Washington State

¹ < <https://ecology.wa.gov/About-us/Accountability-transparency/Partnerships-committees/Clean-air-agencies> >

² < <https://ecology.wa.gov/Air-Climate/Air-quality/Smoke-fire/Outdoor-residential-burning> >

³ < <https://ecology.wa.gov/Air-Climate/Air-quality/Smoke-fire/Agricultural-burning> >

Forester and included in the 2022 SMP. The 2022 SMP requires coordination with Ecology and local clean air agencies who have jurisdiction. Outdoor Burning regulations⁴ continue to prohibit other types of burning in UGAs. The submittal documents discuss the regulatory changes.

⁴ Chapter 173-425 WAC, Outdoor Burning

DNR SIP Revision Documents

DNR submitted the following documents to Ecology to support removing the 1998 SMP and replacing it with the 2022 SMP in the SIP. These documents are in Appendix B.

- A cover letter requesting Ecology adopt and submit the SMP to EPA for review and approval to include into the SIP.
- DNR's 2022 Smoke Management Plan and Appendices.
- 2022 Smoke Management Plan Demonstration of Noninterference (Demonstration) and Appendices.

The purpose of the Demonstration documents provided by DNR, developed in collaboration with Ecology, is to show the analysis of impacts of the changes in the 2022 SMP and that the changes comply with CAA requirements. The Demonstration specifically covers the key provisions changed in the SMP. It details the state and federal standards to which agencies and burners must adhere, and describes the technical analyses conducted to demonstrate that these changes would not interfere with air quality standards or regional haze goals.

About the 2022 SMP

Two of the primary goals of the SMP, with regard to air quality, are to protect public health and promote the enjoyment of the natural attractions of the state.

The 2016 legislature directed DNR to update the 1998 SMP. The SMP contains provisions, requirements, procedures and restrictions to minimize impacts from silvicultural burning, to protect both NAAQS for criteria pollutants⁵ and regional haze goals. The 2022 SMP is included in Appendix B. The table below outlines the 2022 SMP sections.

Table 1. Sections of the 2022 SMP

Section	Page no.
Introduction	1
Purpose	2
Goals	2
Scope	2
Participation	3
Responsibilities	4
Reporting	6
General Burning Requirements	7
Burn Approval Process	7
Small Burns	7
Large Burns and all burns in Urban Growth Areas	7
Approval Process for Multiple Day Burns	12

⁵ The criteria pollutants are Particulate matter, both PM₁₀ and PM_{2.5}, Carbon Monoxide, Ozone, Nitrogen Oxides, Sulfur Oxides. <<https://www.epa.gov/criteria-air-pollutants>>

Section	Page no.
Exceptions to Provisions of the Smoke Management Plan	14
Complaint Tracking	15
Visibility Protection	16
Mandatory Emissions Reduction	17
Emissions Baseline	17
Emissions Reporting and Tracking	18
Gross Fuel Loading Estimates	18
Mandatory Emissions Allocation System	18
Emission Reduction Techniques	20
Alternatives to Burning	20
Exceptional Events Demonstration	21
Plan Review, Approval, and Updating	24
Glossary	26
APPENDIX 1: Burn Submittal and Approval Procedures for Burns 100 Tons or Greater	30
APPENDIX 2: Data Reporting Procedures	31
APPENDIX 3: Burning Permit Issuance, State and Private Lands	32
APPENDIX 4: Smoke Intrusion Reporting and Complaint Processing Procedures	38
APPENDIX 5: Burning Permit Phone System, Procedures and Responsibilities	40-43
APPENDIX 6: National Ambient Air Quality Standards	45
APPENDIX 7: Laws, Rules, and Authorities	46
APPENDIX 8: Alternative Debris Disposal Techniques	68
APPENDIX 9: Procedure for Exempting Eastside Forest Health Burns from the Requirement for Emission Reduction	77
APPENDIX 10: Criteria for Defining Low Risk Areas	80
APPENDIX 11: Pre-Burn Season Outreach Plan	82
APPENDIX 12: Class I Federal Areas	84

The Burn Approval Process is under General Burning Requirements Section in the 2022 SMP. The Approval Criteria for Large Burns and All Burns within UGAs describes the process that DNR uses to issue daily burn decisions for burners.

The SMP approval process includes provisions for DNR smoke experts to consider the eight approval criteria shown below for allowing burning for burns over 100 tons (300 tons in Low Risk Areas) or any burn in a UGA. These criteria are in state⁶ and federal law and included in the 2022 SMP⁷. The eight criteria form the basis for the burn approval decision and are as follows:

⁶ In 2020, the state Code Reviser renumbered the Clean Air Act numbering from 70.94 to 70A.15; a crosswalk is provided for convenience as **Appendix A**.

⁷ 2022 Smoke Management Plan, May 11, 2022, page 9

Approval Criteria for Large Burns and All Burns within UGAs

Approval to ignite will be denied if:

1. There is a likelihood of an exceedance of state air quality standards in the ambient air up to 2,000 feet above ground level over areas designated by Ecology (designated areas) (RCW 70A.15.5140).
Approach: Smoke will not significantly disperse within approximately eight hours of ignition, and be fully dispersed by 12:00 PM the next afternoon unless the burn meets the criteria and requirements of a multiple day burn. This does not include residual smoke in the immediate burn area itself.
2. Burning will not protect the public welfare, preserve visibility, protect scenic, aesthetic, historic, and cultural values, and prevent air pollution problems that interfere with the enjoyment of life, property, or cultural attractions. (RCW 70A.15.1005).
3. Burning will not comply with the federal Clean Air Act regarding visibility protection of federal Class I Areas. (42 USC 7470)
4. Ignition will violate any other state or federal air quality regulations, laws, or rules (RCW 70A.15.5140, 76.04.205 and 70A.15.5020).
5. Burning will occur in areas of the state where federal or state ambient air quality standards are exceeded for any criteria pollutant (RCW 70A.15.5020).
Exception: This does not apply to silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas (RCW 70A.15.5020).
6. Burning will cause mandatory emission reduction levels to be exceeded (RCW 70A.15.5020).
Exception: Emissions from silvicultural burning in eastern Washington that is conducted for the purpose of restoring forest health or preventing the additional deterioration of forest health are exempt from the reduction when certain conditions are met.
7. Burning will knowingly violate another state's published air quality standards (42 USC 7470).
8. There is a declared stage of impaired air quality (RCW 70A.15.5140), or air quality conditions are deteriorating and are expected to continue to deteriorate such that an air quality episode is likely to be called in the next 24-hours.

The SMP Approval Criteria is in place to protect the NAAQS. Monitored values of Particulate Matter, 2.5 microns or less (PM_{2.5}) above 35 µg/m³ averaged over 24-hours exceeds the NAAQS.

The SMP describes procedures and thresholds, and directs DNR smoke experts and all burners (i.e. federal, state, and private) to manage impacts and take action at a lower level than the NAAQS exceedance levels. These considerations — promoting alternatives to burning, as well as other actions and operational procedures, such as coordinating with other burners, using best burn practices and emission reduction techniques — provide a margin of safety for all areas of the state potentially impacted by silvicultural smoke

Washington Air Quality Advisory

The Washington Air Quality Advisory⁸ (WAQA) communication tool is similar to EPA's national information tool, the Air Quality Index (AQI). Both use color-coded categories to show when air quality ranges from good to hazardous; WAQA is based on lower levels of fine particle pollution than the federal AQI. See Figure 1 below. As of April 2022, Ecology and Department of Health (DOH) are transitioning back to using the national AQI to communicate general air quality status to avoid confusion between the indexes, but will continue to use the WAQA thresholds for communications where appropriate.

Color – Category	Index Value	WAQA	AQI
Concentration of fine particles (PM _{2.5}) (µg/m ³)			
■ Green – Good	0–50	0–12.0	0–12.0
■ Yellow – Moderate	51–100	12.1–20.4	12.1–35.4
■ Orange – Unhealthy for Sensitive Groups	101–150	20.5–35.4	35.5–55.4
■ Red – Unhealthy	151–200	35.5–80.4	55.5–150.4
■ Purple – Very Unhealthy	201–300	80.5–150.4	150.5–250.4
■ Dark red – Hazardous	301–500	more than 150.4	250.5–500

Figure 1 24-hour PM_{2.5} concentrations for WAQA and AQI categories

WAQA denotes 20.5 µg/m³ level as the concentration at which Ecology considers particulate matter levels ‘Unhealthy for Sensitive Groups.’ Children, elders, and persons with respiratory diseases, such as asthma are sensitive groups.

DNR has made it their goal to stay below this PM_{2.5} concentration level when making burn decisions and to take action when the data show it is likely that concentrations will exceed this level when managing smoke around the state.

DNR smoke experts and all burners take action, as described in the Intrusion section of the 2022 SMP, to mitigate smoke impacts. The Demonstration also describes the action level.

“Smoke concentrations are considered unacceptable for the purposes of the SMP, and therefore an intrusion, when a 3-hour rolling average concentration reaches 20.5 µg/m³.

⁸ Ecology website, accessed 4/26/2022, [Washington Air Quality Advisory - Washington State Department of Ecology](https://ecology.wa.gov/Research-Data/Monitoring-assessment/Washington-Air-Quality-Advisory), <<https://ecology.wa.gov/Research-Data/Monitoring-assessment/Washington-Air-Quality-Advisory>>

This is the concentration the WAQA considers as unhealthy for sensitive groups⁹. WAQA is similar to EPA's Air Quality Index (AQI) but shows health effect warnings at lower PM_{2.5} levels than the AQI does.

If a burn affects air quality at a level defined in the SMP as unacceptable (even following steps taken to avoid it) then DNR will take action. DNR starts this action when a monitor records a 3-hr rolling average (currently established using AirNow) with an air quality reading of 20.5 µg/m³ to ensure they take action well before an exceedance of the NAAQS. When evaluating whether to take action in an area without monitor data, DNR will consider other information for the intrusion process outlined in Appendix 4 of the SMP.”¹⁰

This procedure is designed to mitigate the impacts of smoke already produced by burning operations, and to prevent, to the extent possible, the production of more smoke. Taking action at this level also provides a buffer against exceedances of the NAAQS.

DNR will use data from all types of monitoring sites and sensors available to inform smoke management decisions, such as daily burn authorizations, and smoke management.

⁹ Sensitive groups include people with heart or lung disease, asthma, diabetes, infants, children, adults older than 65, pregnant women, or people who have had a stroke.

¹⁰ Demonstration, pg. 63.

Differences Between the 1998 and 2022 SMPs

The 2022 SMP is a substantive revision from the 1998 version. The updated plan revises burn decision approval criteria language, burn approval decision timing, lifts the restriction on summer weekend burning and provides provisions for burning on forestland in UGAs. The 2022 version also includes a new complaint response section and several other clarifying changes.

A strikeout comparison and section-by-section crosswalk on the differences between the two plans are part of the Demonstration as Appendix B2 of this document. The Demonstration's Appendix 3 compares the 1998 and 2022 SMP Large Burn Approval Criteria. Appendix 4 compares the 1998 and 2022 SMP Visibility Protection sections.

Description of the main changes

DNR made three major changes from the 1998 SMP, as well as other clarifying changes. The forth main change relates to legislation passed in 2019. The major changes are:

1. Aligning assessment threshold in Large Burn Approval Criterion #1 with state law. (i.e., Modifies wording to match state law to line up with DNR's authority to deny forest burning if air pollution will be more than allowed by federal air quality standards).¹¹
2. Removing the prohibition against summer weekend burning.
3. Notifying burners of permission to ignite their units by 4:30 PM the day prior to ignition.
4. Allowing burning in Urban Growth Areas (UGAs) under DNR's jurisdiction on forestlands under certain circumstances with additional protections.

These changes are described briefly in the Demonstration's Introduction section. If a technical analysis accompanied the change, more discussion appears later in the document.

DNR is submitting the 2022 SMP with the summer weekend burning restriction removed and with a change to decision-making timing approval. DNR provided technical analyses for these two changes (Removing Summer Weekend Burning Restriction and Changing Approval Timing to the Day Prior to Ignition) that shows that the changes, along with SMP procedures, silvicultural best practices, and other criteria for approving and managing silvicultural burning, will protect air quality and visibility.

The Burn Approval Process is under the General Burning Requirements section in the 2022 SMP. The Large Burn criteria in this section describes the process that DNR uses to issue daily burn decisions for burners in the state that conduct burns over 100 tons of silvicultural residue (or 300 tons in low risk areas) and in UGAs.

The Demonstration of Noninterference section below briefly describes the changes. For more detail, see the Burn Decision Approval – Criteria and Process section in the Demonstration.

¹¹ State law says this authority applies if DNR reasonably expects an "exceedance of State air quality standards" as the approval threshold, rather than "intrusion," as listed in the 1998 SMP.

DNR had completed a multi-year update of the 1998 SMP before the 2019 and 2021 Washington State Legislature amended laws pertaining to silvicultural burning in UGAs.

This legislation (2SHB 1784, Chapter 305, Laws of 2019) provided for burning in UGAs under specific circumstances, where previously silvicultural burning was prohibited. The legislation changed provisions in state law at RCW 70A.15.5120 and necessitated further updates to the SMP. DNR completed associated rulemaking for “General rules—Minimum requirements for all burning,” at (WAC 332-24-205, 3(c)) so the rule comports with the law.

For more information about burning inside UGAs, see the section in the Demonstration titled, “Recent Legislation Regarding Silvicultural Burning.” In the 2022 SMP, see the section titled “Urban Growth Area (UGA) Burns” and “APPENDIX 1: Burn Submittal and Approval Procedures for Burns 100 Tons or Greater.”

DNR also added information to the 2022 SMP on how they will grant and implement this type of burn approval. For a summary of these requirements in the 2022 SMP, see the General Burning Requirements section, under UGA Burns.

Some burners use DNR’s burn portal to apply for permits, and the portal flags burn requests inside UGAs. The Demonstration describes the special requirements to implement burning in a UGA in the UGA section under Legislative changes regarding silvicultural burning.¹²

Regardless of size, burns within a UGA require a site-specific DNR Smoke Management decision, a documented test fire, and a spot weather forecast. DNR will notify the air agency with jurisdiction and provide the opportunity to consult on conditioning the permit. DNR may coordinate with the clean air agency with jurisdiction, or Ecology, in areas with many other types of burning or where DNR needs further expertise and monitoring. The burner must contact the local air jurisdiction and provide their contact information prior to igniting.

DNR does not anticipate a high volume of burn requests in UGAs as the result of this change.

Enforcement: DNR is responsible for the overall enforcement and administration of the SMP on lands where DNR has fire protection authority.

“Failure to follow the “call-in” instructions or “large burn” approval process will be a violation of the conditions of an approved permit and be subject to enforcement action.”¹³

DNR outlines their enforcement strategies in the Enforcement section of the 2022 SMP. The 2021 Washington State Legislature added civil enforcement authority to RCW 70A.15.3160 Civil penalties—Excusable excess emissions. [Substitute House Bill 1423](#)¹⁴, which conferred civil enforcement authority on DNR, amends RCW 76.04.205 to read, in part:

¹² Demonstration, UGA Legislative changes regarding silvicultural burn section, page 62.

¹³ Department of Natural Resources, 2022 Silvicultural Smoke Management Plan, Appendix 3: Burning Permit Issuance, State and Private Lands, page 33-24.

¹⁴ < <https://lawfilesexternal.wa.gov/biennium/2021-22/Pdf/Bills/Session%20Laws/House/1423-S.S.L.pdf?q=20220306133857> >

“... The rule will establish: (a) A framework for resolving conflicts that may arise related to this section, including the issuance of civil penalties pursuant to RCW 70A.15.3160 for violations of this section; and (b) the method by which penalties issued pursuant to RCW 70A.15.3160 for violations of this section will be calculated.”¹⁵

The legislature explicitly required rule making in HB [SHB] 1423, which amends the RCW formerly known as 76.04.205, (now 70A.15.3160). Rule making, per legislative direction, will result in a framework for resolving conflicts related to violations of RCW 76.04.205, and will define how fines are calculated when a violation occurs. DNR filed a request to modify WAC 332-24-217, Burning permit requirements—Penalty, on 6/30/2021 with the Washington State Code Reviser (WSR 21-13-018¹⁶). This DNR rulemaking defines the enforcement policy matrix and how fines are calculated for violations of WAC 332-24-217.

DNR worked closely with the EPA and Ecology on the inclusion of the Silvicultural Smoke Management Plan in the State Implementation Plan. DNR will also consult with EPA throughout the rulemaking process. Coordination with Ecology, LCAAs, and tribes is essential to the protection of Washington airsheds and to this rulemaking. This rulemaking is currently at DNR awaiting completion before offering comment period for changes to this rule.

The 2022 SMP provides a graduated approach to enforcement that starts with education and leverages communication to ensure permitted entities comply with requirements. The Demonstration’s Enforcement section provides further detail.¹⁷

Complaints: The 2022 SMP includes a new expanded, enhanced Complaint Tracking section.¹⁸ More details appear in APPENDIX 4: Smoke Intrusion Reporting and Complaint Processing Procedures.

When DNR receives a smoke complaint, DNR staff will obtain as much information as possible and ensure follow-up with the complainant.

The burners and the public can also call the DNR Wildfire Division at 360-902-1300, Fax 360-902-1757, or email wd@dnr.wa.gov with questions.

Demonstration of Noninterference

The Demonstration document provides analysis that the updated SMP continues to meet CAA requirements and silvicultural operations will not interfere with compliance of the NAAQS or regional haze goals.

The Demonstration includes a special focus on the three substantive changes, mentioned in the previous section. The Demonstration is included in the DNR SIP Submittal Packet, as Appendix B3. The outline for the Demonstration is as follows:

¹⁵ Department of Natural Resources, 2022 Silvicultural Smoke Management Plan, page 6.

¹⁶ Washington State Code Reviser, June 30, 2021, < <https://lawfilesexternal.wa.gov/law/wsr/2021/13/21-13-018.htm>>

¹⁷ Demonstration, page 83.

¹⁸ Department of Natural Resources, 2022 Silvicultural Smoke Management Plan, page 16.

Table 2. Outline for DNR Demonstration

2022 Smoke Management Plan Demonstration	Page
Table of Contents	i
List of Figures and Tables	v
Acronyms and Abbreviations	vi
Acknowledgements	viii
Executive Summary	1
Introduction	1
Silvicultural and Prescribed Burning	4
National Ambient Air Quality Standards (NAAQS)	9
Visibility Protection and Regional Haze	37
Monitors and Sensors	40
Burn Decision Approval – Criteria and Process	43
Looking Forward: Protecting Air Quality into the Future	55
Recent Legislation Regarding Silvicultural Burning	62
Best Burn Practices, Tools	72
Alternative to Burning and Emissions Reduction Techniques	74
Intrusions	78
Enforcement	84
Complaints	86
Conclusion	87
Appendices	
Appendix 1. Technical Analysis Protocols & Results – Day Before Approval	1-1
Appendix 2. Technical Analysis Protocol – Summer Weekend Burning	2-1
Appendix 3. 1998 and 2022 SMP Large Burn Approval Criteria Comparison	3-1
Appendix 4. Comparison between 1998 and 2022 SMP Visibility Protection sections	4-1
Appendix 5. DNR Public Involvement Documents	5-1
Appendix 6. Laws and Rules Crosswalk	6-1
Appendix 7. Washington Clean Air Act Crosswalk	7-1
Appendix 8. 1998 and 2022 SMP Crosswalk	8-1
Appendix 9. Laws and Rule Strikethrough	9-1
Appendix 10. Washington Smoke Information - 2018	10-1
Appendix 11. Washington Smoke Information - 2019	11-1
Appendix 12. Washington Smoke Information - 2020	12-1
Appendix 13. EPA Letter approving Ecology's 2021 Annual Network Report	13-1

Justification for the changes

The Burn Decision Approval – Criteria and Process section of the Demonstration, covers the procedures and process DNR uses for making Go/No-Go (burn approval) decisions.

The first change aligns the SMP text with language in state law (RCW 70A.15.5140), by changing the wording in the 2022 SMP from ‘intrusion’ to ‘exceedance.’ Since the definition of an intrusion differs from an exceedance of the NAAQS, DNR explains how, operationally, they plan to keep smoke levels below the NAAQS. This explanation is in Aligning Assessment Threshold in Large Burn Approval Criterion #1 with state law. A comparison between the language of the 1998 and the 2022 SMP is presented in Appendix 3. 1998 and 2022 SMP Large Burn Approval Criteria Comparison. From the Demonstration document:

“...While the wording change between the 1998 and the 2022 SMPs appears confusing, the operational decision making for large burn decisions is consistent and unchanged. The approach is consistent: DNR will approve or deny permission to ignite based on whether smoke will sufficiently disperse. The wording change clarifies authority for a denial.”¹⁹

The Demonstration also includes technical analyses which demonstrate that two of the changes will not interfere (i.e., non-interference) with air quality standards or regional haze goals. The two changes with accompanying technical analyses are:

- Removing the prohibition against summer weekend burning.
- Notifying burners of permission to ignite their units by 4:30 PM the day prior to ignition.

The second change is described in the Demonstration, under Removing the Prohibition Against Summer Weekend Burning. DNR provided a technical analysis that demonstrates that allowing summer weekend burning, when meeting other SMP conditions, will not interfere with compliance of any NAAQS or regional haze goals in the state. Because of the other protections inherent in the burning approval criteria, this change will not adversely affect air quality. Another section of the Demonstration, Protecting Visibility When Making Go/No-Go Decisions, explains this.

Likewise, for the third change, DNR provided a technical analysis to show how making the burn decision the day before the date of ignition, as opposed to the current morning-of-ignition decision timing, still allows DNR to make quality burn decisions. The analysis assessed possible degradation of results (between those obtained the day before planned ignition and those obtained the day of planned ignition) for one of the models commonly used in decision-making. Trained DNR smoke experts, aided by smoke modeling applications, spot weather forecasts, patterns of human settlement, and local knowledge of smoke dispersal patterns, decide whether to allow burns to proceed by 4:30 PM on the day before burning is to commence. See the Demonstration, Appendix 1. Technical Analysis Protocols & Results – Day Before Approval for a discussion of the impacts of this changes.

¹⁹ Demonstration, page 54

Discussion of these criteria, especially the procedure for approving burning and for smoke management during burn activities to prevent or respond to intrusions that requires action, is in the Demonstration under, Burn Decision Approval – Criteria and Process.

Lastly, the legislative change to state law [RCW 70A.15.5120](#)(2) in 2019 gave DNR the authority to issue permits on forestlands under their fire protection authority to allow silvicultural burning in UGAs. In the Demonstration, DNR shows that with the existing and added protections, the NAAQS will be protected. For more details, see the section on Recent Legislation Regarding Silvicultural Burning. DNR also conducted rulemaking to change WAC 332-24-205 to align the state rules with the changes to the state law. The 2022 SMP includes the new procedure and explains the additional protections required for burning on forestland in UGAs.

Compliance with NAAQS

NAAQS are federal health – or welfare based concentrations of criteria pollutants in the ambient air. In 2022, Washington is currently in attainment with all NAAQS, except in a small area (approximately 5.5 square miles) in Whatcom county that violated the 2010 1-Hour Sulfur Dioxide (SO₂) NAAQS.²⁰

Smoke emissions from silvicultural burning primarily contribute to particulate matter levels — both PM₁₀ and PM_{2.5} — and secondarily, to ozone levels. Silvicultural burning generates insignificant amounts of SO₂ since silvicultural fuel does not contain any significant amounts of sulfur. The SMP Large Burn Approval Criteria is in place to protect the NAAQS. In particular, the 24-hour PM_{2.5} intrusion threshold is set at 20.5 µg/m³ to help protect the 24-hour NAAQS for all areas of the state. This provides a margin of safety for the NAAQS.

The Demonstration NAAQS section includes levels of each NAAQS pollutant per final 2021 monitoring data. All of Washington complies with all NAAQS, except for SO₂. EPA designated a portion of Whatcom County as nonattainment in March 2021. Details of compliance with each NAAQS are in the Demonstration.

In conclusion, the 2022 SMP includes planning activities and forecasting that protects air sheds — to keep levels below the NAAQS— and requires corrective action when intrusions occur. The program has been, and will remain, protective of the NAAQS for Washington communities into the future.

Compliance with Regional Haze goals

EPA established the Visibility and Regional Haze Program to protect scenic vistas from hazy conditions that are a result of human-made activities. Regional Haze goals refer to specific quantifiable visibility improvements at the eight protected Class 1 Areas²¹ in Washington. They target achieving natural visibility in these areas by 2064.

²⁰ For more information, see Ecology’s web page [Sulfur Dioxide in Washington’s Air](https://ecology.wa.gov/Search-Results?searchtext=sulfur+dioxide&searchmode=allwords), accessed 4/28/2022, <<https://ecology.wa.gov/Search-Results?searchtext=sulfur+dioxide&searchmode=allwords>>

²¹ Class I areas include national parks larger than 6,000 acres and national wilderness areas larger than 5,000 acres that were in existence in 1977.

Ecology is responsible for visibility and regional haze plan updates. Ecology's early Visibility Protection Program included DNR's Prescribed Burning SMP (1975). Ecology submitted the earliest versions of the SMP in 1979 and 1984.

Silvicultural burning produces smoke that can have major impacts on visibility in general and specifically in Class 1 Areas. Therefore, Washington decided to address silvicultural smoke proactively. Specifically, Ecology coordinated with the DNR to update visibility protections in the 1998 SMP.

The 1998 SMP states:

"The visibility protection section of the current SIP was created in 1985 after consultation with DNR, USFS, private landowners, DOE, and other stakeholders. Presently, visibility protection practices meet or exceed the requirements of the 1985 SIP, mainly because of voluntary agreements between large private landowners and the DNR."²²

The 1998 SMP includes the restriction on summer weekend burning²³ in Washington for burns over 100 tons:

"Directive: Burns that will consume 100 tons or more of material will NOT be allowed under the following circumstances:

- On weekends (midnight Thursday through midnight Sunday) between June 15 and October 1 statewide.
- On Independence Day or Labor Day holidays."²⁴

Also in this section of the 1998 plan, there are exceptions and conditions under which burning in western Washington may be allowed, on a case-by-case basis, and specific provisions for multiple day burns.

On November 5, 1999, Ecology submitted a Reasonably Attributable Visibility Impairment (RAVI) SIP —that included the 1998 SMP —that focused on silvicultural smoke management in addition to other sources that had the potential to direct plume blights into the Class 1 Areas. EPA approved it on June 11, 2003.²⁵

In 2010, Ecology developed the first RH SIP where we identified key sources of air pollution and strategies to improve visibility in Washington's Class I areas. The 2010 RH SIP relied on the 1998 SMP, including its restriction on summer weekend burning for silvicultural burning, as one of the strategies to protect visibility in Class 1 Areas.

²² Department of Natural Resources, 1998 Smoke Management Plan, revised in 1998, pg. 8.

https://www.dnr.wa.gov/publications/rp_burn_smptoc.pdf

²³ Ibid. pg.12

²⁴ Ibid. pg.12

²⁵ Final: Federal Register Notice, 68 FR 34821, June 11, 2003. <https://www.govinfo.gov/content/pkg/FR-2003-06-11/pdf/03-14573.pdf#page=1>; proposal: Federal Register Notice, 67 FR 65077, October 23, 2002.

EPA updated the Regional Haze Rule (RHR) in 2017 to clarify requirements for submitting RH SIPs and progress reports. States must make "reasonable progress" toward meeting the visibility goals in the federal Class I areas as part of their RH SIP.

In the 2022 SMP, DNR is proposing to remove the summer weekend burning restriction. In the Demonstration, DNR's analysis shows that allowing summer weekend burning — when meeting other SMP provisions, such as following the DNR Go/No-Go criteria, complying with criteria for managing burns and other operational provisions— will not interfere with the state's Regional Haze (RH) goals. See the Appendix 4 in the Demonstration to see the Comparison between 1998 and 2022 SMP Visibility Protection section of the Demonstration.

The 2022 SMP contains provisions to continue supporting Washington's progress towards the RH goals. Best practices, promoting alternatives to burning, employing emissions reduction techniques and burning in compliance with the SMP provide the means to minimize smoke impacts. Based on this Demonstration, DNR's updated SMP will protect air quality and visibility goals in Washington State.

Ecology submitted a second RH SIP for the planning period 2018–2028 in 2021. It includes updated regulations and controls that the state is using to achieve its regional haze goals. DNR's Demonstration describes the reliance on the 2022 SMP for the next Regional Haze planning period. For information on Washington's Regional Haze program, visit [Ecology's Regional Haze website](https://ecology.wa.gov/Air-Climate/Air-quality/Air-quality-targets/Regional-haze).²⁶

²⁶ <https://ecology.wa.gov/Air-Climate/Air-quality/Air-quality-targets/Regional-haze>

Ecology Responsibilities under the SMP

DNR outlined some of Ecology's responsibilities under the SMP.

- Establishing Designated Areas (RCW 70A.15.5140).
- Adopting federal NAAQS into Washington rules and/or establishing other air quality standards.
- Notifying DNR when air quality has diminished to the point when 'impaired air' or a 'forecasted stage of air pollution episode' has been, or is likely to be, declared. (RCW 70A.15.3580).
- Maintaining the State Implementation Plan, which includes visibility protection of Class I federal areas. (see Appendix C.2. Letter from Dixie Lee Ray, Governor to Donald P. Dubois, Regional Administrator, dated March 20, 1980)

In addition, Ecology has responsibility for the:

- Ambient Air Monitoring Network.

Ecology develops an ambient air quality monitoring plan every year to reflect the status of the latest monitoring network. Washington provides this annual monitoring network report to the public through Ecology's website. The [2021 Annual Air Monitoring Network Plan](#)²⁷ covers monitoring data from 2020. The letter in Appendix 13 in the Demonstration documents EPA's approval of the 2021 Annual Air Monitoring Network Plan. The 2022 report that includes 2021 data will be submitted at the end of June 2022.

- Exceptional Event Demonstration submittal.

Washington's Former Air Quality Advisory

In 2006, EPA revised the 1997 24-hour PM_{2.5} NAAQS to 35 µg/m³.²⁸ During the review process, as allowed by the state law, Ecology:

- Looked at many health studies,
- Considered recommendations from EPA staff and EPA's Clean Air Scientific Advisory Committee, and
- Examined Canada's PM_{2.5} standards.

Based on this information and Ecology's responsibility for the health of Washingtonians, Ecology set a goal to maintain PM_{2.5} 24-hour concentrations in the state below 20 micrograms per cubic meter (µg/m³). Ecology defined areas expected to have 24-hour PM_{2.5} design values

²⁷ <<https://apps.ecology.wa.gov/publications/SummaryPages/2102013.html>>

²⁸ The form of the 2006 PM_{2.5} design value is the 3-year average of the annual 98th percentile 24-hour average concentrations.

exceeding this goal as areas at risk. Frequent exceedances of this goal indicate greater health concerns.

Between 2008 and April 2022, Ecology relied on a state communication tool, called the Washington Air Quality Advisory (WAQA) to warn the public about the health effects of air pollution. The WAQA was similar to the EPA's national information tool, the Air Quality Index (AQI). Both used color-coded categories to show when air quality is good, moderate, or unhealthy. The two indices differed when air quality entered the Unhealthy for Sensitive Groups (USG) (Orange) range. The difference was based on the WAQA threshold of 20.5 $\mu\text{g}/\text{m}^3$ $\text{PM}_{2.5}$ – the level at which Washington deems $\text{PM}_{2.5}$ levels are USG. The WAQA showed the health effects of $\text{PM}_{2.5}$ at lower levels than the AQI does.

In response to public feedback, Ecology and Washington Department of Health made the decision to sunset WAQA by April 2022.

See **Figure 2.** below for comparison between WAQA and AQI advisory levels.

Category	Index Value	WAQA Concentration ($\mu\text{g}/\text{m}^3$)	AQI Concentration ($\mu\text{g}/\text{m}^3$)
Good	0-50	0 to 12.0	0 to 12.0
Moderate	51-100	12.1 to 20.4	12.1 to 35.4
Unhealthy for Sensitive Groups	101-150	20.5 to 35.4	35.5 to 55.4
Unhealthy	151-200	35.5 to 80.4	55.5 to 150.4
Very Unhealthy	201-300	80.5 to 150.4	150.5 to 250.4
Hazardous	301-400	>150.4	250.5 to 350.4
	401-500		350.5 to 500

Figure 2. 24-hour $\text{PM}_{2.5}$ concentrations for WAQA and AQI categories

With sunset of the WAQA, DNR updated the SMP to clarify that it continues to use 20.5 $\mu\text{g}/\text{m}^3$ as its action level.

In managing smoke impacts around the state, DNR will continue to:

- Use this level as their goal to stay below it when making burn decisions.
- Take action when the data shows it is likely that concentrations will exceed this level.

Ecology's Request

Ecology requests that EPA replace the 1998 SMP in Washington's SIP with the 2022 version. Following the public review and comment, Ecology's Director will decide whether to recommend adoption of this submittal into the SIP. If approved, an Adoption Order is included as Appendix E.

Public Involvement

DNR conducted various types of outreach at different times for the 2022 SMP during its development:

- DNR convened a task force in 2017 and 2018 and held several community meetings during development of the SMP.
- DNR completed review of the proposed UGA outdoor burning rule, including a SEPA public comment period from November 7, 2019, through November 21, 2019.
- DNR issued a Notice of Final Determination and response to comments on November 22, 2019.
- DNR held a webinar and accepted comments on the SMP in February 2021.

DNR have outlined their public comment and outreach efforts in the Demonstration, Appendix 5, DNR Public Involvement Documents.

Ecology's public involvement efforts are related to our SIP responsibilities. Appendix D contains evidence of Ecology's efforts to promote the public comment period. After completing the public review, Ecology will document comments and provide responses to comments, before deciding whether to submit the revision request to EPA.

Appendix Table of Contents

Appendix A. Chapter 70.94 RCW to 70A.15 Crosswalk

Appendix B. Department of Natural Resources Submittal to Ecology

Appendix B1: DNR SIP Submittal Cover Letter to Ecology

Appendix B2: 2022 Smoke Management Plan 05-11-2022)

Appendix B3: 2022 Smoke Management Plan Demonstration

Appendix C: Criteria for Determining the Completeness of Plan Submissions

Appendix C.1: Requirements for preparation, adoption, and submittal of implementation plans, 40 CFR Appendix V to Part 51.

Appendix C.2: Letter from Dixie Lee Ray, Governor to Donald P. Dubois, Regional Administrator, dated March 20, 1980.

Appendix D: Ecology Public Comment Documents

Appendix E. Ecology SIP Adoption Order

Appendix A. RCW 70.94 to 70A.15 Crosswalk

This is the complete crosswalk for RCW 70.94 to 70A.15. Not all Sections apply to the DNR 2022 SMP. See the 2022 SMP and Demonstration Appendices for specifics.

Old Chapter 70.94 RCW Sections	New Chapter 70A.15 RCW Sections	Washington Clean Air Act Section Title
70.94.011	70A.15.1005	Declaration of public policies and purpose.
70.94.015	70A.15.1010	Air pollution control account—Air operating permit account.
70.94.030	70A.15.1030	Definitions.
70.94.033	70A.15.1040	Environmental excellence program agreements—Effect on chapter.
70.94.035	70A.15.1050	Technical assistance program for regulated community.
70.94.037	70A.15.1060	Transportation activities—"Conformity" determination requirements.
70.94.040	70A.15.1070	Causing or permitting air pollution unlawful—Exception.
70.94.041	70A.15.1080	Exception—Burning wood at historic structure.
70.94.510	70A.15.1090	Policy to cooperate with federal government.
70.94.053	70A.15.1500	Air pollution control authorities created—Activated authorities, composition, meetings— Delineation of air pollution regions, considerations.
70.94.055	70A.15.1510	Air pollution control authority may be activated by counties, when.
70.94.057	70A.15.1520	Multicounty authority may be formed by contiguous counties—Name.
70.94.068	70A.15.1530	Merger of active and inactive authorities to form multicounty or regional authority—Procedure.
70.94.069	70A.15.1540	Merger of active and inactive authorities to form multicounty or regional authority— Reorganization of board of directors—Rules and regulations.
70.94.070	70A.15.1550	Resolutions activating authorities—Contents—Filings—Effective date of operation.
70.94.081	70A.15.1560	Powers and duties of authorities.
70.94.085	70A.15.1570	Cost-reimbursement agreements.
70.94.091	70A.15.1580	Excess tax levy authorized—Election, procedure, expense.

Old Chapter 70.94 RCW Sections	New Chapter 70A.15 RCW Sections	Washington Clean Air Act Section Title
70.94.092	70A.15.1590	Air pollution control authority—Fiscal year—Adoption of budget—Contents.
70.94.093	70A.15.1600	Methods for determining proportion of supplemental income to be paid by component cities, towns and counties—Payment.
70.94.094	70A.15.1610	Designation of authority treasurer and auditor—Duties.
70.94.095	70A.15.1620	Assessed valuation of taxable property, certification by county assessors.
70.94.096	70A.15.1630	Authorization to borrow money.
70.94.097	70A.15.1640	Special air pollution studies—Contracts for conduct of.
70.94.100	70A.15.2000	Air pollution control authority—Board of directors—Composition—Term.
70.94.110	70A.15.2010	City selection committees.
70.94.120	70A.15.2020	City selection committees—Meetings, notice, recording officer—Alternative mail balloting—Notice.
70.94.130	70A.15.2030	Air pollution control authority—Board of directors—Powers, quorum, officers, compensation.
70.94.141	70A.15.2040	Air pollution control authority—Powers and duties of activated authority.
70.94.142	70A.15.2050	Subpoena powers—Witnesses, expenses and mileage—Rules and regulations.
70.94.143	70A.15.2060	Federal aid.
70.94.151	70A.15.2200	Classification of air contaminant sources—Registration—Fee—Registration program defined—Adoption of rules requiring persons to report emissions of greenhouse gases.
70.94.152	70A.15.2210	Notice may be required of construction of proposed new contaminant source—Submission of plans—Approval, disapproval—Emission control—"De minimis new sources" defined.
70.94.153	70A.15.2220	Existing stationary source—Replacement or substantial alteration of emission control technology.
70.94.154	70A.15.2230	RACT requirements.
70.94.155	70A.15.2240	Control of emissions—Bubble concept—Schedules of compliance.
70.94.157	70A.15.2250	Preemption of uniform building and fire codes.
70.94.161	70A.15.2260	Operating permits for air contaminant sources—Generally—Fees, report to legislature.

Old Chapter 70.94 RCW Sections	New Chapter 70A.15 RCW Sections	Washington Clean Air Act Section Title
70.94.162	70A.15.2270	Annual fees from operating permit program source to cover cost of program.
70.94.163	70A.15.2280	Source categories not required to have a permit—Recommendations.
70.94.165	70A.15.2290	Gasoline vapor recovery devices—Limitation on requiring.
70.94.170	70A.15.2300	Air pollution control authority control officer.
70.94.181	70A.15.2310	Variances—Application for—Considerations—Limitations—Renewals—Review.
70.94.200	70A.15.2500	Investigation of conditions by control officer or department—Entering private, public property.
70.94.205	70A.15.2510	Confidentiality of records and information.
70.94.211	70A.15.2520	Enforcement actions by air authority—Notice to violators.
70.94.221	70A.15.2530	Order final unless appealed to pollution control hearings board.
70.94.230	70A.15.2540	Rules of authority supersede local rules, regulations, etc.—Exceptions.
70.94.231	70A.15.2550	Air pollution control authority—Dissolution of prior districts—Continuation of rules and regulations until superseded.
70.94.240	70A.15.2560	Air pollution control advisory council.
70.94.260	70A.15.2570	Dissolution of authority—Deactivation of authority.
70.94.262	70A.15.2580	Withdrawal from multicounty authority.
70.94.302	70A.15.2590	Certain generators fueled by biogas produced by an anaerobic digester—Extended compliance period for permit provisions related to the emissions limit for sulfur—Technical assistance.
70.94.331	70A.15.3000	Powers and duties of department.
70.94.332	70A.15.3010	Enforcement actions by department—Notice to violators.
70.94.335	70A.15.3020	Hazardous substance remedial actions—Procedural requirements not applicable.
70.94.350	70A.15.3030	Contracts, agreements for use of personnel by department—Reimbursement—Merit system regulations waived.
70.94.370	70A.15.3040	Powers and rights of governmental units and persons are not limited by act or recommendations.
70.94.380	70A.15.3050	Emission control requirements.

Old Chapter 70.94 RCW Sections	New Chapter 70A.15 RCW Sections	Washington Clean Air Act Section Title
70.94.385	70A.15.3060	State financial aid—Application for—Requirements.
70.94.390	70A.15.3070	Hearing upon activation of authority—Finding—Assumption of jurisdiction by department—Expenses.
70.94.395	70A.15.3080	Air contaminant sources—Regulation by department; authorities may be more stringent—Hearing—Standards.
70.94.400	70A.15.3090	Order activating authority—Filing—Hearing—Amendment of order.
70.94.405	70A.15.3100	Air pollution control authority—Review by department of program.
70.94.410	70A.15.3110	Air pollution control authority—Assumption of control by department.
70.94.420	70A.15.3120	State departments and agencies to cooperate with department and authorities.
70.94.422	70A.15.3130	Department of health powers regarding radionuclides—Energy facility site evaluation council authority over permit program sources.
70.94.425	70A.15.3140	Restraining orders—Injunctions.
70.94.430	70A.15.3150	Penalties.
70.94.431	70A.15.3160	Civil penalties—Excusable excess emissions.
70.94.435	70A.15.3170	Additional means for enforcement of chapter.
70.94.440	70A.15.3180	Short title.
70.94.450	70A.15.3500	Woodstoves—Policy.
70.94.453	70A.15.3510	Woodstoves—Definitions.
70.94.455	70A.15.3520	Residential and commercial construction—Burning and heating device standards.
70.94.457	70A.15.3530	Solid fuel burning devices—Emission performance standards.
70.94.460	70A.15.3540	Sale of unapproved woodstoves—Prohibited.
70.94.463	70A.15.3550	Sale of unapproved woodstoves—Penalty.
70.94.467	70A.15.3560	Sale of unapproved woodstoves—Application of law to advertising media.
70.94.470	70A.15.3570	Residential solid fuel burning devices—Opacity levels—Enforcement and public education.

Old Chapter 70.94 RCW Sections	New Chapter 70A.15 RCW Sections	Washington Clean Air Act Section Title
70.94.473	70A.15.3580	Limitations on burning wood for heat—First and second stage burn bans—Report on second stage burn ban—Exceptions—Emergency situations.
70.94.475	70A.15.3590	Liability of condominium owners' association or resident association.
70.94.477	70A.15.3600	Limitations on use of solid fuel burning devices.
70.94.480	70A.15.3610	Woodstove education program.
70.94.483	70A.15.3620	Woodstove education and enforcement account created—Fee imposed on solid fuel burning device sales.
70.94.488	70A.15.3630	Woodsmoke emissions—Findings.
70.94.521	70A.15.4000	Transportation demand management—Findings.
70.94.524	70A.15.4010	Transportation demand management—Definitions.
70.94.527	70A.15.4020	Transportation demand management—Requirements for counties and cities.
70.94.528	70A.15.4030	Transportation demand management—Growth and transportation efficiency centers.
70.94.531	70A.15.4040	Transportation demand management—Requirements for employers.
70.94.534	70A.15.4050	Transportation demand management—Jurisdictions' review and penalties.
70.94.537	70A.15.4060	Transportation demand management—Commute trip reduction board.
70.94.541	70A.15.4070	Transportation demand management—Technical assistance.
70.94.544	70A.15.4080	Transportation demand management—Use of funds.
70.94.547	70A.15.4090	Transportation demand management—Intent—State leadership.
70.94.551	70A.15.4100	Transportation demand management—State agencies—Joint comprehensive commute trip reduction plan—Reports.
70.94.555	70A.15.4110	Transportation demand management—Collective bargaining powers unaffected.
70.94.600	70A.15.4500	Reports of authorities to department of ecology—Contents.
70.94.610	70A.15.4510	Burning used oil fuel in land-based facilities.
70.94.620	70A.15.4520	Metals mining and milling operations permits—Inspections by department of ecology.

Old Chapter 70.94 RCW Sections	New Chapter 70A.15 RCW Sections	Washington Clean Air Act Section Title
70.94.640	70A.15.4530	Odors or fugitive dust caused by agricultural activities consistent with good agricultural practices exempt from chapter.
70.94.645	70A.15.4540	Ammonia emissions from use as agricultural or silvicultural fertilizer—Regulation prohibited.
70.94.6511	70A.15.5000	Definition of "outdoor burning."
70.94.6512	70A.15.5010	Outdoor burning—Fires prohibited—Exceptions.
70.94.6514	70A.15.5020	Outdoor burning—Areas where prohibited—Exceptions—Use for management of storm or flood-related debris—Silvicultural burning.
70.94.6516	70A.15.5030	Outdoor burning—Permits issued by political subdivisions.
70.94.6518	70A.15.5040	Limited outdoor burning—Establishment of program.
70.94.6520	70A.15.5050	Limited outdoor burning—Construction.
70.94.6522	70A.15.5060	Limited outdoor burning—Authority of local air pollution control authority or department of ecology to allow outdoor fires not restricted.
70.94.6524	70A.15.5070	Limited outdoor burning—Program—Exceptions.
70.94.6526	70A.15.5080	Limited outdoor burning—Permits issued by political subdivisions—Types of fires permitted.
70.94.6528	70A.15.5090	Permits—Issuance—Conditioning of permits—Fees—Agricultural burning practices and research task force—Development of public education materials—Agricultural activities.
70.94.6530	70A.15.5100	Delegation of permit issuance and enforcement to political subdivisions.
70.94.6532	70A.15.5110	Open burning of grasses grown for seed—Alternatives—Studies—Deposit of permit fees in special grass seed burning account—Procedures—Limitations—Report.
70.94.6534	70A.15.5120	Burning permits for abating or prevention of forest fire hazards, management of ecosystems, instruction or silvicultural operations—Issuance—Fees.
70.94.6536	70A.15.5130	Silvicultural forest burning—Reduce statewide emissions—Exemption—Monitoring program.
70.94.6538	70A.15.5140	Burning permits for abating or prevention of forest fire hazards, management of ecosystems, instruction or silvicultural operations—Conditions for issuance and use of permits—Air quality standards to be met—Alternate methods to lessen forest debris.

Old Chapter 70.94 RCW Sections	New Chapter 70A.15 RCW Sections	Washington Clean Air Act Section Title
70.94.6540	70A.15.5150	Cooperation between department of natural resources and state, local, or regional air pollution authorities—Withholding of permits.
70.94.6542	70A.15.5160	Adoption of rules.
70.94.6544	70A.15.5170	Burning permits for regeneration of rare and endangered plants.
70.94.6546	70A.15.5180	Aircraft crash rescue fire training—Training to fight structural fires—Training to fight forest fires—Other firefighter instruction.
70.94.6548	70A.15.5190	Outdoor burning allowed for managing storm or flood-related debris.
70.94.6550	70A.15.5200	Fires necessary for Indian ceremonies or smoke signals.
70.94.6552	70A.15.5210	Permit to set fires for weed abatement.
70.94.6554	70A.15.5220	Disposal of tumbleweeds.
70.94.710	70A.15.6000	Air pollution episodes—Legislative finding—Declaration of policy.
70.94.715	70A.15.6010	Air pollution episodes—Episode avoidance plan—Contents—Source emission reduction plans—Authority—Considered orders.
70.94.720	70A.15.6020	Air pollution episodes—Declaration of air pollution emergency by governor.
70.94.725	70A.15.6030	Air pollution episodes—Restraining orders, temporary injunctions to enforce orders—Procedure.
70.94.730	70A.15.6040	Air pollution episodes—Orders to be effective immediately.
70.94.785	70A.15.6050	Plans approved pursuant to federal clean air act—Enforcement authority.
70.94.800	70A.15.6200	Legislative declaration—Intent.
70.94.805	70A.15.6210	Definitions.
70.94.820	70A.15.6220	Monitoring by department of ecology.
70.94.850	70A.15.6230	Emission credits banking program—Amount of credit.
70.94.860	70A.15.6240	Department of ecology may accept delegation of programs.
70.94.875	70A.15.6250	Evaluation of information on acid deposition in Pacific Northwest—Establishment of critical levels—Notification of legislature.

Old Chapter 70.94 RCW Sections	New Chapter 70A.15 RCW Sections	Washington Clean Air Act Section Title
70.94.880	70A.15.6260	Establishment of critical deposition and acidification levels—Considerations.
70.94.892	70A.15.6270	Carbon dioxide mitigation—Fees.
70.94.960	70A.15.6400	Clean fuel matching grants for public transit, vehicle mechanics, and refueling infrastructure.
70.94.970	70A.15.6410	Chlorofluorocarbons—Ozone—Refrigerants regulated.
70.94.980	70A.15.6420	Refrigerants—Unlawful acts.
70.94.990	70A.15.6430	Refrigerants—Rules—Enforcement provisions, limitations.
70.94.991	70A.15.6440	Stationary natural gas engines used in combined heat and power systems—Permitting process—Emission limits.
70.94.992	70A.15.6450	Boiler or process heaters—Assessment and reporting requirements.
70.94.901	70A.15.9001	Construction—1967 c 238.
70.94.902	70A.15.9002	Construction, repeal of RCW 70.94.061 through 70.94.066—Saving.
70.94.904	70A.15.9003	Effective dates—1991 c 199.
70.94.911	70A.15.9004	Severability—1967 c 238.

Appendix B. Department of Natural Resources Submittal to Ecology

- B1. DNR SIP Submittal Cover Letter to Ecology
- B2. 2022 Smoke Management Plan (May 11, 2022)
- B3. 2022 Smoke Management Plan Demonstration

B1: DNR SIP Submittal Cover Letter to Ecology

B2: 2022 Smoke Management Plan

B3: 2022 Smoke Management Plan Demonstration

Appendix C: Criteria for Determining the Completeness of Plan Submissions

Appendix C.1. Requirements for preparation, adoption, and submittal of implementation plans, 40 CFR Appendix V to Part 51.

Appendix V sets forth the minimum criteria for determining whether a State implementation plan submitted for consideration by EPA is an official submission for purposes of review under § 51.103.

Clean Air Act Title I - Air Pollution Prevention and Control, Parts A through D | Overview of the Clean Air Act and Air Pollution | US EPA

Table 3 Requirements for Preparation, Adoption and Submittal of Implementation Plans, Appendix V, Section 1 and 1.

40 CFR Part 51 - REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS, Appendix V, 40 CFR Appendix V to Part 51 - Criteria for Determining the Completeness of Plan Submissions	Requirement Comment
1.0. Purpose	
1.1 The EPA shall return to the submitting official any plan or revision thereof which fails to meet the criteria set forth in this appendix V, and request corrective action, identifying the component(s) absent or insufficient to perform a review of the submitted plan.	EPA requirement

40 CFR Part 51 - REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS, Appendix V, 40 CFR Appendix V to Part 51 - Criteria for Determining the Completeness of Plan Submissions	Requirement Comment
1.2 The EPA shall inform the submitting official whether or not a plan submission meets the requirements of this appendix V within 60 days of EPA's receipt of the submittal, but no later than 6 months after the date by which the State was required to submit the plan or revision. If a completeness determination is not made by 6 months from receipt of a submittal, the submittal shall be deemed complete by operation of law on the date 6 months from receipt. A determination of completeness under this paragraph means that the submission is an official submission for purposes of § 51.103.	EPA requirement
2.0. Criteria	
The following shall be included in plan submissions for review by EPA:	
2.1. Administrative Materials	
(a) A formal signed, stamped, and dated letter of submittal from the Governor or his designee, requesting EPA approval of the plan or revision thereof (hereafter "the plan"). If electing to submit a paper submission with a copy in electronic version, the submittal letter must verify that the electronic copy provided is an exact duplicate of the paper submission.	Ecology submittal letter from Washington Department of Ecology Director, the Governor's designee for SIP matters.
(b) Evidence that the State has adopted the plan in the State code or body of regulations; or issued the permit, order, consent agreement (hereafter "document") in final form. That evidence shall include the date of adoption or final issuance as well as the effective date of the plan, if different from the adoption/issuance date.	Ecology's SIP Adoption Order signed by Director; Submittal letter from DNR leadership showing date of adoption of Smoke Management Plan.

40 CFR Part 51 - REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS, Appendix V, 40 CFR Appendix V to Part 51 - Criteria for Determining the Completeness of Plan Submissions	Requirement Comment
(c) Evidence that the State has the necessary legal authority under State law to adopt and implement the plan.	Letter from Dixie Lee Ray, Governor to Donald P. Dubois, Regional Administrator, dated March 20, 1980.
(d) A copy of the actual regulation, or document submitted for approval and incorporation by reference into the plan, including indication of the changes made (such as redline/strikethrough) to the existing approved plan, where applicable. The submission shall include a copy of the official State regulation/document, signed, stamped, and dated by the appropriate State official indicating that it is fully enforceable by the State.	Document submitted and incorporated is the DNR 2022 Smoke Management Plan. Changes made shown in reline strikeout in DNR SMP Demonstration Appendices, includes redline strikeouts, cross walks.
The effective date of any regulation/document contained in the submission shall, whenever possible, be indicated in the regulation/document itself; otherwise the State should include a letter signed, stamped, and dated by the appropriate State official indicating the effective date.	Effective date for 2022 Smoke Management Plan (DNR signed May 11, 2022, effective May 11, 2022).
If the regulation/document provided by the State for approval and incorporation by reference into the plan is a copy of an existing publication, the State submission should, whenever possible, include a copy of the publication cover page and table of contents.	The relevant document is provided in the Ecology SIP submission, the 2022 Smoke Management Plan authored by DNR, approved May 11, 2022.
(e) Evidence that the State followed all of the procedural requirements of the State's laws and constitution in conducting and completing the adoption/issuance of the plan.	See Ecology Adoption Order, description of public involvement and notification efforts by both Ecology and DNR.
(f) Evidence that public notice was given of the proposed change consistent with procedures approved by EPA, including the date of publication of such notice.	See the DNR Submittal packet for DNR comments; See ECY publication appendices for ECY outreach and comments.

40 CFR Part 51 - REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS, Appendix V, 40 CFR Appendix V to Part 51 - Criteria for Determining the Completeness of Plan Submissions	Requirement Comment
(g) Certification that public hearing(s) were held in accordance with the information provided in the public notice and the State's laws and constitution, if applicable and consistent with the public hearing requirements in 40 CFR 51.102.	See DNR Submittal packet for DNR comments; See ECY Appendix for ECY outreach and comments.
(h) Compilation of public comments and the State's response thereto.	See DNR Submittal packet (Appendix B of the Ecology SIP publication) for DNR public notice information; See Ecology SIP publication Appendix for Ecology public hearing information and public notice efforts.
2.2. Technical Support	
(a) Identification of all regulated pollutants affected by the plan.	All criteria pollutants included in Demonstration; key pollutants for silvicultural burning are particulate matter and contribution to ozone.
(b) Identification of the locations of affected sources including the EPA attainment/nonattainment designation of the locations and the status of the attainment plan for the affected areas(s).	Smoke can travel great distances and forestland burning under DNR jurisdiction could potentially impact any part of the state. However, using the state-wide SMP, DNR intends to manage smoke to avoid impacts and minimize any impacts that may occur. Therefore, impacts to any area or source are likely to be very infrequent and short in duration (day or days likely multiple years apart). Washington does not have any nonattainment areas for pollutants emitted by silvicultural burning.

40 CFR Part 51 - REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS, Appendix V, 40 CFR Appendix V to Part 51 - Criteria for Determining the Completeness of Plan Submissions	Requirement Comment
<p>(c) Quantification of the changes in plan allowable emissions from the affected sources; estimates of changes in current actual emissions from affected sources or, where appropriate, quantification of changes in actual emissions from affected sources through calculations of the differences between certain baseline levels and allowable emissions anticipated as a result of the revision.</p>	<p>This particular part of Appendix V is more suited for changes such as commercial industrial facilities, vehicle emissions, etc. that lend themselves to either known past/future emissions or projections, or it is reasonably easy to account for variables (make assumptions) that will inform future projections of emissions. The better approach for this SIP revision is to provide a weight of evidence (i.e., a Demonstration of Noninterference) that the changes to the SMP will allow silvicultural burning around the state to continue to meet CAA Section 110(l) requirements.</p>
<p>(d) The State's demonstration that the national ambient air quality standards, prevention of significant deterioration increments, reasonable further progress demonstration, and visibility, as applicable, are protected if the plan is approved and implemented. For all requests to redesignate an area to attainment for a national primary ambient air quality standard, under section 107 of the Act, a revision must be submitted to provide for the maintenance of the national primary ambient air quality standards for at least 10 years as required by section 175A of the Act.</p>	<p>The Demonstration provides a weight of evidence that the NAAQS, visibility and regional haze goals continue to be protected. No request to redesignate any nonattainment area. The PSD increments do not apply. Section 107, 175A (maintenance plans) of CAA not applicable.</p>
<p>(e) Modeling information required to support the proposed revision, including input data, output data, models used, justification of model selections, ambient monitoring data used, meteorological data used, justification for use of offsite data (where used), modes of models used, assumptions, and other information relevant to the determination of adequacy of the modeling analysis.</p>	<p>see Technical Protocols and Results of Analyses for details on models used in DNR Demonstration.</p>

40 CFR Part 51 - REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS, Appendix V, 40 CFR Appendix V to Part 51 - Criteria for Determining the Completeness of Plan Submissions	Requirement Comment
(f) Evidence, where necessary, that emission limitations are based on continuous emission reduction technology.	This section is more applicable to other types of emission sources. For the SMP emission, limitations are based smoke management plan requirements, smoke approval decision protocols, best management practices, alternatives to burning and emission reduction techniques. State law RCW 70A.15.5130 includes the allowed state threshold for forestland burning.
(g) Evidence that the plan contains emission limitations, work practice standards and recordkeeping/reporting requirements, where necessary, to ensure emission levels.	Emission limitations are based smoke management plan requirements, smoke management practices, emission reduction techniques. RCW 15.5130 for allowed state threshold for burning; DNR burn portal allows for entry of tons burned, etc.
(h) Compliance/enforcement strategies, including how compliance will be determined in practice.	The SMP describes DNR enforcement strategies. The strategy is based on education and penalties for civil and criminal violations. See the SMP and DNR Demonstration.
(i) Special economic and technological justifications required by any applicable EPA policies, or an explanation of why such justifications are not necessary.	Ecology is not aware of special economic or technological justifications required by EPA policies.
2.3. Exceptions	

40 CFR Part 51 - REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS, Appendix V, 40 CFR Appendix V to Part 51 - Criteria for Determining the Completeness of Plan Submissions	Requirement Comment
<p>2.3.1. The EPA, for the purposes of expediting the review of the plan, has adopted a procedure referred to as “parallel processing.” Parallel processing allows a State to submit the plan prior to actual adoption by the State and provides an opportunity for the State to consider EPA comments prior to submission of a final plan for final review and action. Under these circumstances, the plan submitted will not be able to meet all of the requirements of paragraph 2.1 (all requirements of paragraph 2.2 will apply). As a result, the following exceptions apply to plans submitted explicitly for parallel processing:</p> <p>(a) The letter required by paragraph 2.1(a) shall request that EPA propose approval of the proposed plan by parallel processing.</p> <p>(b) In lieu of paragraph 2.1(b) the State shall submit a schedule for final adoption or issuance of the plan.</p> <p>(c) In lieu of paragraph 2.1(d) the plan shall include a copy of the proposed/draft regulation or document, including indication of the proposed changes to be made to the existing approved plan, where applicable.</p> <p>(d) The requirements of paragraphs 2.1(e)-2.1(h) shall not apply to plans submitted for parallel processing.</p> <p>2.3.2. The exceptions granted in paragraph 2.3.1 shall apply only to EPA's determination of proposed action and all requirements of paragraph 2.1 shall be met prior to publication of EPA's final determination of plan approvability.</p>	<p>Parallel processing is rare and not appropriate for the SMP revision.</p>

Appendix C.2. Letter from Dixie Lee Ray, Governor to Donald P. Dubois, Regional Administrator, dated March 20, 1980.

07/02/92

18:09

WASHINGTON GOVERNOR'S OFFICE

003

TEL NO: 206-586-9137

#632 P02



STATE OF
WASHINGTON

Dixy Lee Ray
Governor

OFFICE OF THE GOVERNOR
Legislative Building, Olympia, Washington 98504

MAR 25

March 20, 1980

FILE

Mr. Donald P. Dubois
Regional Administrator
Environmental Protection Agency
Region X
1200 Sixth Avenue
Seattle, WA 98101

Dear Mr. Dubois:

There have been questions raised regarding appropriate submittal of changes to the State Implementation Plan for attainment and maintenance of national ambient air quality standards. Many of these actions are routine and should not require a governor's approval and submittal.

Staff from your office and the Department of Ecology have recommended that the legal and practical requirements of submittal could be met through delegation to an appropriate official.

I have, therefore, delegated to the Director of the Department of Ecology the authority to submit all amendments to the State Implementation Plan that occurred or will occur after May 1, 1979.

Sincerely,

Dixy Lee Ray
Governor

PERSONAL SIGNATURE

07/02/92

10:09

WASHINGTON GOVERNOR'S OFFICE
TEL NO: 206-596-9137002
#632 P03STATE OF
WASHINGTONDixy Lee Ray
Governor

DEPARTMENT OF ECOLOGY

Olympia, Washington 98504

206/758-2240

Wilbur G. Hallauer, Director

MEMORANDUM

March 19, 1980

TO: Governor Dixy Lee Ray

FROM: Wilbur G. Hallauer *Web*

SUBJECT: SUBMITTAL OF CHANGES TO STATE IMPLEMENTATION PLAN FOR AIR QUALITY

Federal law requires the Governor to submit an air quality implementation plan to EPA. This has been done and we are awaiting for a response.

The procedure for submitting additions and changes is not clear. There will be numerous changes, most of which will not be substantive. There is general agreement that these submissions should not have to go through the Governor, but the legal requirements could preclude practicality.

Region X EPA has suggested that you could delegate this responsibility and thereby clarify the submittal question. It is my understanding that this has been done in Oregon.

A delegation to the Director of the Department of Ecology would provide an efficient system to handle routine plan changes. It would also place responsibility on the director to identify significant issues and to obtain your approval before submittal.

If you concur with the delegation, the attached letter should be sent to Region X EPA.

WGH:lm1.

Attachment

OK good
WGH

Appendix D: Ecology Public Notice Documents

Letter to tribes July 22, 2021



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

July 21, 2021

Dear Chairperson:

The Washington State Department of Ecology (Ecology) extends this offer for government-to-government discussion to you and other tribal governments on the updated Smoke Management Plan (SMP) that Ecology will be proposing to include in the state's air quality plan.

The Washington State Department of Natural Resources (DNR) updated the state's 20-year-old SMP. The purpose of the SMP is to coordinate and facilitate the statewide regulation of prescribed, silvicultural (forestland) burning on lands under the authority of DNR, and on unimproved, federally managed forestlands and participating tribal lands.

In Washington State, several agencies share outdoor burning oversight and authority. Specific jurisdiction depends on the type of burning conducted. DNR has authority and responsibility to regulate silvicultural burning throughout the state and on participating tribal lands.

DNR made some changes to the existing, 1998 SMP. For some changes, they conducted an analysis to show how the SMP will continue to protect the federal National Ambient Air Quality Standards (NAAQS) and the state's regional haze goals. They convened a task force, held several focus groups and conducted a webinar over the last few years. Ecology, DNR, and EPA collaborated to ensure that the updated plan would continue to protect people, Washington's scenic vistas, and meet federal Clean Air Act requirements.

The SMP is part of Washington State's State Implementation Plan (SIP). The SIP contains state and local rules, plans, and programs that direct how the state implements, maintains and enforces air quality standards and achieves visibility goals. Washington's Clean Air Act (Chapter 70.94 RCW) requires compliance with the federal CAA requirements and gives Ecology legal authority to manage the SIP. Ecology's Director, as the Governor's Designee, has responsibility for the SIP. Ecology submits all SIP revisions to EPA for review and approval. Ecology is also responsible for visibility/regional haze plan updates.

After DNR submits the final, draft SMP and supporting documents to Ecology, we will solicit public comments and hold a hearing. We will ask for feedback on whether we should submit the SMP to EPA. After the comment period, Ecology will decide whether to adopt the plan and submit it to EPA to replace the 1998 version in the SIP. We will notify you when we plan to open the formal comment period.

Chairperson
July 21, 2021
Page 2

After Ecology submits the plan and documents, EPA Region 10 staff will review them, hold a separate public comment period, respond to any comments, and transmit the submittal to EPA headquarters. The 2021 SMP, once approved, will become part of the SIP.

Ecology's mission is to protect air quality for people. We recognize the importance of prescribed burning as a tool for forest management and reducing wildfires. At the same time, we know that with good planning, implementation and oversight, burners can conduct prescribed burning safely and minimize smoke impacts. With careful consideration for timing of approvals, and using best smoke management practices that can minimize smoke, forest health burning can be conducted with minimum impacts to people and public vistas.

Please contact my assistant, Marilyn Turnbow, at marilyn.turnbow@ecy.wa.gov or (360) 407-6879, by August 21, 2021 if you would like to schedule a government-to-government discussion on the issue of the DNR's SMP SIP submittal. Although DNR sent invitations for government-to-government consultation in January 2021, Ecology is also providing this separate invitation. DNR is responsible for the SMP and Ecology is responsible for submitting it to EPA for incorporation into the SIP.

If you have questions about the SIP process, please contact Laurie Hulse-Moyer at (360) 522-6610 or laurie.hulse-moyer@ecy.wa.gov. For questions about the SMP, please contact Karen Zirkle at karen.zirkle@dnr.wa.gov or (360) 902-1315.

Sincerely,



Kathy Taylor
Air Quality Program Manager

cc: Heather Bartlett, Deputy Director
Tyson Hawk Oreiro, Executive Advisor for Tribal Affairs
Laurie Hulse-Moyer, Environmental Planner
Tribal Natural Resources Director
Karen Zirkle, Department of Natural Resources

Appendix E. Ecology SIP Adoption Order